

1 **DEMETRIUS L. HARVEY**
2 **IN PRO PER**
3 **360 SO. HELM AVENUE**
4 **FRESNO, CA 93727**
5 **TELEPHONE: 559-255-1971**

6 **FILED** C
7 SEP 4 2008
8 RICHARD W. WIEKING
9 CLERK, U.S. DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND

12 **UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

14 DEMETRIUS L. HARVEY) **CASE NO. C07 - 01681 SBA**

15 Plaintiff)

16 v.)

17 CITY OF OAKLAND, a municipal
18 corporation; OAKLAND POLICE
19 DEPARTMENT; WAYNE TUCKER,
20 Chief, Oakland Police Department
21 DEPUTY CHIEF HOWARD JORDAN
22 OAKLAND POLICE LIEUTENANT
23 GIER, OAKLAND POLICE
24 LIEUTENANT WHITMAN,
25 OAKLAND POLICE OFFICER
26 DOMINIQUE AROTZARENA,
27 OAKLAND POLICE OFFICER J.
28 MORRIS,

19 in their official and individual capacities,
20 DOES 1 through 50, inclusive.

21 Defendants.)

22 **EX PARTE MOTION FOR**
23 **CONTINUANCE FOR DISCOVERY**

24 **Local Rule 7-10**

25 This motion for continuance for discovery is based on the following:

- 26 1. Discovery is set for cut-off date on September 2, 2008 by the Court.
- 27 2. I was deposed by the Defendants' lawyer on August 28, 2008, in Fresno, Ca.
- 28 3. I did not received several requested documents from the Defendants due to
29 pending trials currently in Alameda Superior Court regarding charges against
30 individuals from the November 23, 2005 incidents.
- 31 4. I have requested documents regarding myself, not individuals who are on trial and

1 the Defendants has stated that they will produced *only* non-privileged documents.
2 Defendants has produced some non-privileged documents but not other documents
3 requested that are not privileged.

4 5. Subpoena was served on the Alameda's District Attorney Office on July 28, 2008
5 to produce requested documents and/ or objects.

6 6. I received some requested documents on August 29, 2008 from the DA's
7 Custodian of Record but not the documents that Defendants claim to be in the
8 possession of the DA. Several non-privileged documents were not produce by the DA
9 that are important in my discovery process. The majority of the documents received
10 are from the Defendants and very few documents are from DA's files.

11 7. The requested documents are very important along with other discovery to utilize
12 during depositions of defendants and other individuals who are involved in this case.
13 Also, such documents are needed to oppose the anticipation of the Defendants'
14 Motion for Summary Judgement/Adjudication.

15 8. I believe such discovery can be completed in 45 days.

16 9. This request is made solely in the interests of justice and not for the purpose of
17 delay nor to be prejudicial to any parties of record.

18 The motion is made in good faith that the Court grant an additional 45 days for
19 continuance for discovery. If the Court denies this motion, allow me additional time
20 to file a Motion to Compel for documents to be produced and a Motion to Re-Open
21 Discovery.

22 Dated: August 31, 2008


Demetrius L. Harvey, Pro Per

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CERTIFICATE OF SERVICE
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Demetrius L. Harvey

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CASE NO. CO7- 01681 SBA

Plaintiff,

vs.

City of Oakland, et al

Defendants.

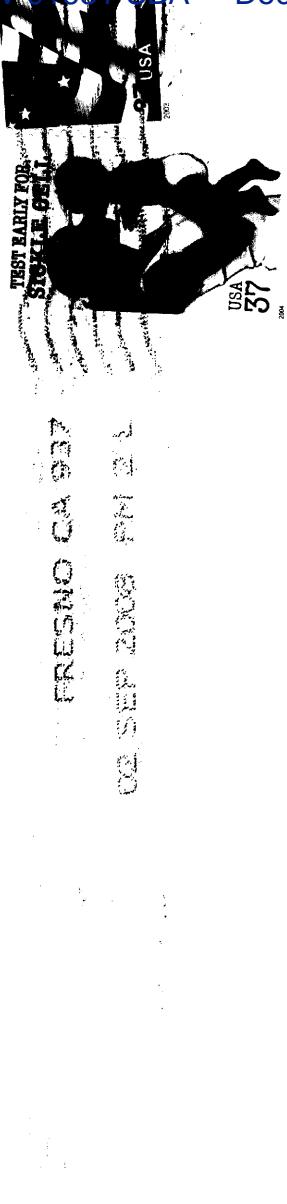
I, the undersigned, hereby certify that I am over eighteen years of age and not a party to the above-entitled action.

That on August 31, 2008, I served a true and correct copy of the attached: **PLAINTIFF'S EX PARTE FOR CONTINUANCE FOR DISCOVERY** by placing such paper(s) in a postage paid envelope to the following listed below, by depositing said envelope in the U.S. Mail.

OFFICE OF THE CLERK
US DISTRICT COURT- NORTHERN DISTRICT
1301 CLAY ST. SUITE 400S
OAKLAND, CA. 94612


Chinyere Snowden
360 S. Helm Ave.
Fresno, Ca. 93727

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Fresno, CA. 93727



Office of the Clerk US District Court

Northern District of California
1301 Clay St. Suite 400-S
Oakland, CA. 94612-5212

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